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Drug-Importation Foes Speak Out

Industry Backers Have Strong Voice At Public Session

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Although the event was billed as the public's only chance to testify before a federal task force studying the increasingly common practice of drug importation, many of the speakers at yesterday's hearing turned out to have financial ties to the pharmaceutical industry, which has vehemently opposed efforts to legalize buying prescription drugs from Canada or elsewhere.

The day-long session at the National Institutes of Health featured criticism of drug importation by a former New York City police commissioner, a former administration attorney and a self-professed patient advocate who all had one thing in common: They receive money from drug makers. Pharmaceutical executives, a representative of the industry's lobbying arm, and consumer groups that receive some industry funding were also given speaking slots.

Bernard Kerik, the former police commissioner who now runs a consulting firm with former New York mayor Rudolph W. Giuliani (R), said allowing Americans to buy lower-cost drugs from countries such as Canada could invite terrorists to launch a biological attack under the guise of a legal purchase.

"We are very concerned if wholesale importing is permitted, it will make this country's medicine supply extremely vulnerable to terrorist intervention," said Kerik, who said in an interview later that he has been hired by the Pharmaceutical Research and Manufacturers of America to investigate the safety of drug imports. Kerik said he believes drug counterfeiting profits are already supporting terrorists.

Another witness, Jeffrey Axelrad, warned of liability risks for any group, city or state that facilitates drug imports. The former Justice Department lawyer said although he is an industry consultant, he was speaking for himself.

Some of the most dramatic testimony came when King Pharmaceuticals Inc. executive James E. Green flashed images on a giant screen of "phony" drugs his staff had ordered from Internet pharmacies, some from Fiji, Pakistan and Canada. He said his investigators found a "dangerous bait-and-switch scam" in which consumers ordering his company's blockbuster thyroid medicine Levoxyl got Synthroid instead. There is no indication Synthroid "is therapeutically equivalent" to Levoxyl, he testified.

Later, with a lawyer from Hogan and Hartson at his side, Green conceded that Levoxyl and Synthroid are both medicines approved by the Food and Drug Administration prescribed to treat thyroid insufficiency. Synthroid is made by King's rival, Abbott Laboratories. Still, he cautioned, doctors do not like patients switching back and forth.

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About 2 million Americans currently buy prescriptions from Canada, lured by prices that can be up to 70 percent cheaper than in the United States. Importation proponents have picked up converts in the Senate in recent months, and a few mayors and governors have begun developing programs and Internet sites that help constituents find what the officials deem to be safe, reliable medicines from Canada.

"The simple fact is this: People in Wisconsin -- and all over America -- need relief from the high price of prescription drugs," said Wisconsin Gov. Jim Doyle (D). Wisconsin's Web site, which gives its imprimatur to three Canadian pharmacies, has had 87,000 "hits" in its first six weeks, he said.

The Bush administration's handling of the debate has sparked criticism from governors, advocacy groups and lawmakers in both parties. Ordered by Congress to form the task force, Health and Human Services Secretary Tommy G. Thompson initially named Mark B. McClellan chairman. He quickly reversed course amid criticism that McClellan, then commissioner of the FDA, has been an outspoken opponent of importation.

With Surgeon General Richard H. Carmona as the new chairman, the task force scheduled just one public hearing. Its other "listening sessions" are by invitation only. To gain a speaking slot yesterday, individuals submitted a summary of their comments in advance, said Louise Binder, chairman of the Canadian Treatment Action Council, which receives about 35 percent of its funding from pharmaceutical companies. The council opposes reimportation of drugs by Americans.

The few supporters of importation who spoke yesterday expressed frustration with federal regulators, who have called the Wisconsin Web site "snake oil" and launched several statewide public information campaigns that seek to tar it as a risky proposition with images of a roulette wheel and a snake wrapped around a pill bottle.

"It is time for the FDA to stop doing the bidding of the drug lobby and start helping" consumers, Doyle said.

Illinois officials complained that they had to file a four-inch-thick citizens' petition to get the FDA to consider a request to try a pilot importation program. That comment prompted HHS lawyer Alex M. Azar II to ask Scott McKibbin, an Illinois special advocate, whether the governor supported price controls.

"The governor has said he wants the citizens of Illinois to have access to Canadian drug prices," McKibbin replied.

"So the governor of Illinois favors setting drug prices," Azar said.

"Those were your words, not mine," McKibbin countered.

Staff researcher Lucy Shackelford contributed to this report.

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